

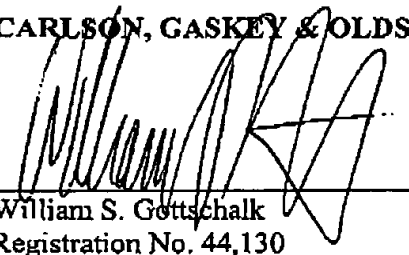
Moreover, there is no suggestion or motivation to one of ordinary skill in the art to modify Geddes with the teachings of Brackett. The Examiner cannot ignore the teachings of the references when making a determination as to whether of one of ordinary skill in the art would modify the base reference with the teachings of the secondary reference. Geddes and Brackett are directed to unique and separate problems that would not motivate one to combine the two systems. Geddes teaches of an exhaust system using an active noise cancellation system sensing actual noise. In contrast, Brackett is directed to an induction system having a passive noise cancellation that relies upon engine speed to predict noise cancellation. Specifically, Geddes is concerned with reducing the sound level of the exhaust gases flowing through the exhaust conduit. Prior art methods have used baffles which inhibit the flow of gases through the system thereby inhibiting the economy and performance of the vehicle as set forth in column 1, lines 21-37. Also, Geddes utilizes an active noise cancellation system by detecting the actual noise in the system and producing a sound wave to cancel the noise sensed. Brackett does not deal with noise cancellation in an exhaust system whatsoever, nor does Brackett address the concerns in the prior art discussed in Geddes of minimizing the obstructions in the exhaust system or any other passages to reduce noise. Accordingly, there is no suggestion or motivation to one of ordinary skill in the art to modify Geddes to provide the missing limitations.

With respect to claims 9 and 10, the Examiner is applying the same logic as previously used with the combination of Geddes and Fukami. The Applicant's argument is fully set forth on pages 8 and 9 of the Appeal Brief. In summary, there is no need for the system of Brackett, which measures the speed of the engine, when Geddes measures the actual noise in the system. For similar reasons, the combination of Geddes and Brackett is improper with respect to claim 15. The Applicant's argument with respect to claim 15 is set forth in pages 9 and 10 in the Appeal Brief.

It is believed that this application is in condition for allowance. If any fees or extension of times are required, please charge to Deposit Account No. 50-1482.

Respectfully submitted,

CARLSON, GASKEY & OLDS



William S. Gottschalk
Registration No. 44,130
400 W. Maple, Suite 350
Birmingham, MI 48009
(248) 988-8360

Dated: 4/17/03

FAX RECEIVED

APR 17 2003

TECHNOLOGY CENTER 2800